

CERTIFICATE OF PUBLICATION

From THE NEWS-POST Frederick, Md.

ASSIGNEE'S SALE

of two parcels of valuable, fee simple, improved real property located in the Creagerstown Election District of Frederick County, Maryland, located along Long's Mill Road.

Under and by virtue of a power of sale contained in a mortgage from Robert E. Kolb and Annie E. Kolb, his wife, unto Farmers and Mechanics National Bank dated January 12, 1973, said mortgage being recorded at Book 901, page 143, one of the Land Records of Frederick County, with said mortgage being in default and having been assigned unto the undersigned assignee for foreclosure, the undersigned will offer for sale at public auction on the premises located at 9121 Long's Mill Road, Rocky Ridge, Maryland, on

FRIDAY, MAY 18, 1984

AT 10:00 A.M.

all the following real estate and improvements being subject to the above mortgage:

"HOME FARM"

PARCEL NO. 1: It being the same real estate conveyed unto Robert E. Kolb and Annie E. Kolb, his wife, and Preston L. Kolb and Phyllis J. Kolb, his wife, by the following two deeds: (1) Deed from Nettie R. Kolb, widow, dated the 1st day of October, 1955, and recorded in Liber 575, folio 468, one of the Land Records of Frederick County, Maryland, and (2) Deed from Ruth S. Martin and her husband, et al., dated August 25, 1956, and recorded in Liber 575, folio 469, one of the Land Records of Frederick County, Maryland.

BEING also the same property conveyed unto Helen Stewart by Robert E. Kolb and Annie E. Kolb, his wife, and Preston L. Kolb and Phyllis J. Kolb, his wife, by deed dated the 18th day of December, 1956, and recorded at Liber 575, folio 476, one of the Land Records of Frederick County, Maryland.

BEING also the same real estate conveyed by Helen Stewart, unmarried, unto Preston L. Kolb and Phyllis J. Kolb, his wife, and Robert E. Kolb and Annie E. Kolb, his wife, by deed dated the 18th day of December, 1956, and recorded in Liber 575, folio 478, one of the Land Records of Frederick County, Maryland.

AND ALSO BEING the same property described in a quit claim deed and release from Ruth S. Martin and Roy L. Martin, her husband, et al., to Robert E. Kolb and Annie E. Kolb, his wife, et al., dated the 30th day of October, 1962, and recorded in Liber 675, folio 451, one of the Land Records of Frederick County, Maryland; **EXCEPTING THEREFROM AND THEREOUT**, (i) all that lot of land containing 40,000 square feet conveyed by Robert E. Kolb, et al., unto Robert E. Kolb, Jr. and Mary Lou E. Kolb, his wife, by deed dated April 12, 1972, and recorded in Liber 874, folio 462, one of the aforementioned Land Records, and (ii) all that lot of land containing 40,150.5 square feet, more or less, which was conveyed to Nevin C. Staub, et ux., by deed dated May 24, 1974, and recorded at Liber 940, folio 76, one of the aforesaid Land Records.

PARCEL NO. 2: All that lot or parcel of land situate, lying and being on the West side of the Monocacy River, near the mouth of Owen's Creek, in said Frederick County, and enclosed in the following courses and distances, to-wit: S. 56 1/4° W. 7.09 perches, N. 51 1/4° W. 4.32 perches, S. 49° W. 22 perches, S. 75° E. 38 perches, N. 81° E. 5.82 perches, N. 17° W. 38.08 perches, S. 36° W. 9 perches, containing 4 acres, 1 rood and 5-3/10 perches of land, more or less. Also granting to the said Robert E. Kolb and Annie E. Kolb, his wife, all the right and privilege to pass to and from the said wood lot as reserved for the benefit of Jeremiah Martin, Jr., his heirs and assigns, as described in a deed from Jeremiah Martin and wife to Edward Martin, dated April 25, 1877, and recorded in Liber T.G. No. 8, folio 391, one of the Land Records of Frederick County, Maryland; as by reference thereto will more fully appear.

BEING all and the same real property described in a deed from Nannie E. Stevens, et al., unto Robert E. Kolb and Preston L. Kolb, as joint tenants, dated February 15, 1944, and recorded at Liber 446, folio 93, one of the aforesaid Land Records.

WITH PARCEL NO. 1 AND NO. 2 BEING all the same real estate described in a deed dated January 12, 1973, from Preston L. Kolb and Phyllis J. Kolb, his wife, unto Robert E. Kolb and Annie E. Kolb, his wife, said deed being recorded at Liber 901, folio 141, among the Land Records of Frederick County, Maryland.

LESS that tract of land containing 5.256 acres, more or less, herein reserved and to be separately sold, which is more particularly described as follows: SEE "TENANT HOUSE LOT" BELOW.

The property to be foreclosed and described herein is improved with a 2 story dwelling house with composition roof, two baths, 4 bedrooms, a living room and a den, both with exposed logs and stone walls and log ceilings, with the living room also having a fireplace, kitchen with dishwasher and built-in cabinets, and a pantry. Also on the property are a smokehouse and a summer kitchen. Until recently, the Home Farm was operated as an active dairy farm and the same has many outbuildings and related equipment which were used in such operation. There is a modern milking parlor (Double Six Herringbone) with De Laval Model 200 Milking System (12 milkers) and parlor stalls with electric feeders and a 1,500 gallon Girton (Ambassador) milk tank. The Home Farm has several large silos including a 20'x70' sealed type Madison Nutri-Matic silo which will convey with the Home Farm. The property and all improvements and equipment are being sold "as is" and pursuant to the description contained in the aforesaid mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area and regardless of the condition of the same.

TERMS OF SALE (HOME FARM): A deposit of \$15,000.00 of the sale price will be required of the successful bidder at the time and place of sale in the form of cashier's, certified or other check acceptable to Assignee, payable or endorsed to the Assignee. The balance of the purchase price shall be paid within 10 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland (unless postponed at sole option of Assignee), with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 10% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment in date of auction sale and assumed thereafter by the purchaser. All settlement related costs and recordation costs of any nature including, but not limited to, title search, shall be paid by the purchaser. Assignee reserves the right to withdraw the herein described property from sale at any time.

the event of default, the Assignee reserves the right to declare as forfeited the deposit of purchaser as liquidated damages or to resell the property at the purchaser's risk. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as all easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgage being foreclosed.

All costs incident to the settlement and conveyancing, including without limitation, recording costs and taxes, transfer taxes, revenue stamps, survey expense (if any), document preparation, settlement fees, notary fees, and title search charges and title insurance premiums will be at the cost of the purchaser. The purchaser at foreclosure sale is hereby notified that there may be associated as a cost of conveyance of the property, a State Agricultural Transfer Tax. If so, such transfer tax shall be at the cost of purchaser.

"TENANT HOUSE LOT"

The following 5.256 acre tract of land which is being reserved from sale of the HOME FARM and which will be sold separately, and for which separate bidding will be accepted, is more particularly described as follows:

BEGINNING for that portion hereby advertised at a steel bar and cap set at the southwest corner of that lot conveyed unto Nevin C. and Delores A. Staub by Robert E. and Annie E. Kolb by deed dated May 24, 1974, and recorded in Liber 940 at folio 76 and running with the closing line in said deed and with the east side of Lot 1, Section A, Block I of the subdivision of Robert E. Kolb, said plat being recorded in Plat Book 7, folio 50, and as now surveyed,

(1) North 54° 00' 00" East 311.98 feet to intersect the North 37 1/4° West 44 1/4 perch line of the second parcel deeded unto Isaac L. Hankey by Peter Hankey by deed dated April 21, 1890, and recorded in Liber WIP 11 at folio 280 and running therewith reversed,

(2) South 38° 01' 46" East 177.44 feet to a steel bar and cap set, thence with the farm lot previously conveyed two (2) courses and distances,

(3) South 54° 00' 00" West 686.52 feet to a steel bar and cap set, thence

(4) North 36° 00' 00" West 470.00 feet to the centerline of Longs Mill Road passing over a concrete monument at the end of 170.00 feet and 445.00 feet, thence with said centerline,

(5) North 54° 00' 00" East 368.25 feet thence with the southern boundary of the Staub lot,

(6) South 36° 00' 00" East 292.67 feet passing over a steel bar and cap set at the end of 25.00 feet to the point of beginning, containing 5.256 acres of land, more or less, 0.211 acres of which is within the County Right of Way for Longs Mill Road.

BEING part of that tract or parcel of land conveyed unto Robert E. and Annie E. Kolb by Preston L. and Phyllis J. Kolb by deed dated January 23, 1973, and recorded in Liber 901 at folio 141.

The Tenant House to be foreclosed and described herein is improved with a split-level style dwelling house built around 1979 of frame construction with partial brick front and composition roof. The house has hot water heat and one bath. The house and improvements are being purchased and sold in an "as is" condition. Description of the Tenant House Lot will be in accordance with the above description.

TERMS OF SALE (TENANT HOUSE LOT): A deposit of \$5,000.00 of the sale price will be required of the successful bidder at the time and place of sale in the form of a cashier's, certified or other check acceptable to Assignee, payable or endorsed to Assignee. The balance of the purchase price shall be paid within 10 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland (unless postponed at sole option of Assignee), with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 10% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment to date of auction sale and assumed thereafter by the purchaser. All settlement related costs and recordation costs of any nature including, but not limited to, title search, shall be paid by the purchaser. Assignee reserves the right to withdraw the herein described property from sale at any time. In the event of default, the Assignee reserves the right to declare as forfeited the deposit of purchaser as liquidated damages or to resell the property at the purchaser's risk. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as all easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgage being foreclosed.

All costs incident to the settlement and conveyancing, including without limitation, recording costs and taxes, transfer taxes, revenue stamps, survey expense (if any), document preparation, settlement fees, notary fees, and title search charges and title insurance premiums will be at the cost of the purchaser. The purchaser at foreclosure sale is hereby notified that there may be associated as a cost of conveyance of the property, a State Agricultural Transfer Tax. If so, such transfer tax shall be at the cost of purchaser.

NOTE: For additional information, contact the Assignee or auctioneer. Financing at favorable rates, on favorable terms, may be available for purchase of both the "Home Farm" and/or the "Tenant House Lot" through Farmers and Mechanics National Bank. Anyone wishing to apply for such financing must contact the Assignee, and must submit to the Bank financial statements and loan application in accordance with ordinary loan procedures of the Bank. All required information for a loan application must be submitted to the Bank no later than May 10, 1984. All bidders must be registered with the Assignee at sale and must be prepared to demonstrate to the Assignee ability to complete a purchase of the "Home Farm" and/or "Tenant House Lot", whichever is applicable.

JOSEPH S. WELTY

Assignee

117 West Patrick Street
Frederick, Maryland 21701
662-5155

JOHN W. CHILLAS
Attorney for Assignee
117 West Patrick Street
Frederick, Maryland 21701
662-5155

JAMES TROUT
Auctioneer
15 North Court Street
Frederick, Maryland 21701
663-1555

This is to certify that the annexed *Assignee's Sale* was published in *News-Post*

a newspaper published in Frederick County, at least once in each of three successive weeks, the first such publication having been made not less than 15 days prior to sale, and the last such publication being made not more than one week prior to the *18th* day of *May* 19 *84*.

THE NEWS-POST

Per *Judy Riggs*

Filed May 18, 1984